REGARD LAW GROUP

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March 11, 2022

National Board of Medical Examiners (NBME)
3750 Market Street
Philadelphia, PA 19104-3102

                          Re: USMLE ID █████████

To Whom It May Concern,

I represent my client, Dr. Markcus Kitchens, Jr. regarding his USMLE Step 1 exam. It has been brought to our attention that there has been a distinct possibility my client's exam has been incorrectly graded. During his exam, my client took eight blocks – a total of 320 questions. However, according to the USMLE guidelines, the maximum number of questions a test-taker must take is seven blocks – not to exceed 280 questions on the overall examination. This extended exam can be observed with the Prometric Center's video footage which demonstrates my client beginning his exam alongside other examinees, and finishing an hour after several other examinees completed their exams. With the number of questions being grossly over what your own maximum threshold states, it stands to reason that the validity of my client's exam score was also impacted.

This egregious error can also be found when comparing my client's official USMLE Step 1 score to the recent NBME CBSSA score, both of which have been included here for your convenience. The drastic disparity between the two scores within a brief two-week time period clearly demonstrates the possibility that my client's USMLE Step One score has been affected by the excessive number of questions, or a more likely scenario being that my client's exam results belong to another examinee.

Since the possibility of error is high, and my client has already suffered at the hands of your gross negligence, I am requesting an in-depth investigation as to how my client was required to take an eight-block exam as well as an expungement of my client's score. Should you decide against complying with this simple request in a timely manner, my client is prepared to take legal action.

                                              Sincerely,

                                              Regard Law Group, PLLC.

                                              /s/ Amelia Kitchens

                                              Amelia L. Kitchens, ESQ.

DEFENDANT'S
EXHIBIT
84

                                                                              NBME000268

US·MLE
United States Medical Licensing Examination

United States Medical Licensing Examination®

Step 1 Score Report

FOR EXAMINEE USE ONLY. THIRD-PARTY USERS OF USMLE® SCORES SHOULD RELY SOLELY ON OFFICIAL TRANSCRIPTS RECEIVED DIRECTLY FROM THE EXAMINEE'S USMLE REGISTRATION ENTITY.
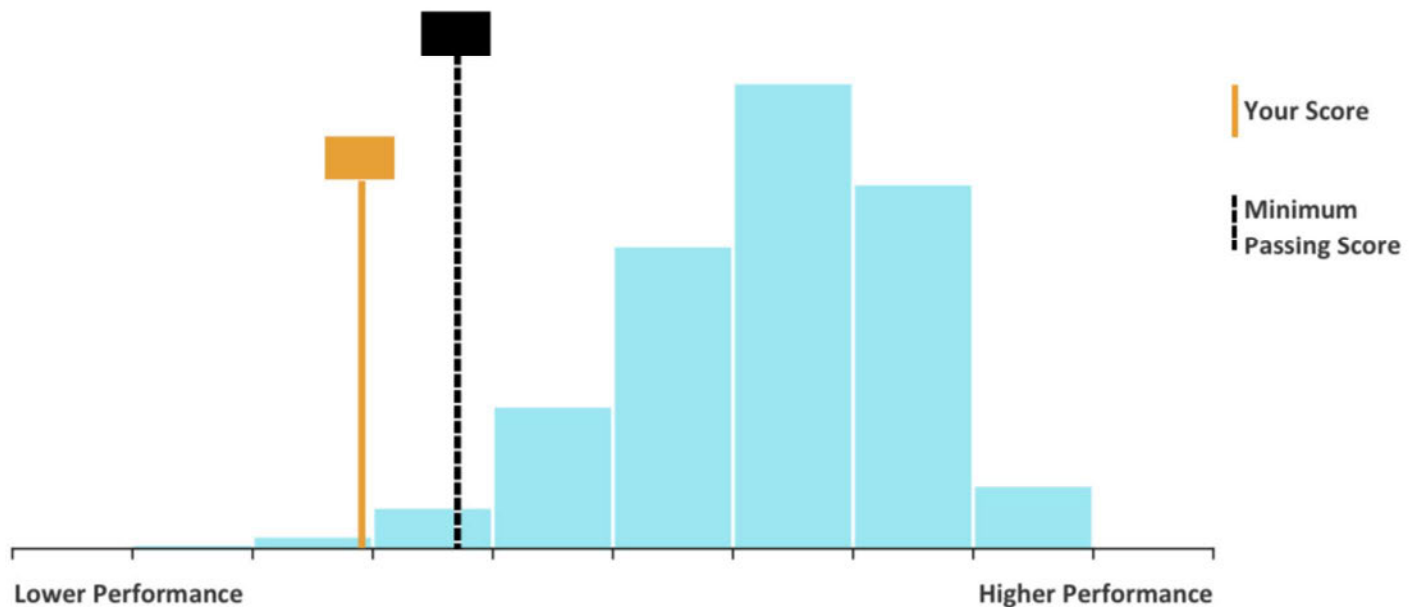
NAME: Kitchens, Markcus Zwanz

USMLE ID: ███████████

TEST DATE: February 25, 2022

Your Test Result

FAIL

National Performance Distribution

The chart below represents the distribution of performance for examinees from LCME-accredited US/Canadian medical schools taking Step 1 for the first time between January 1, 2020 and December 31, 2020.

Your Score

Minimum Passing Score

Lower Performance   Higher Performance

National Board of Medical Examiners®
Performance Profile

National Board of Medical Examiners®

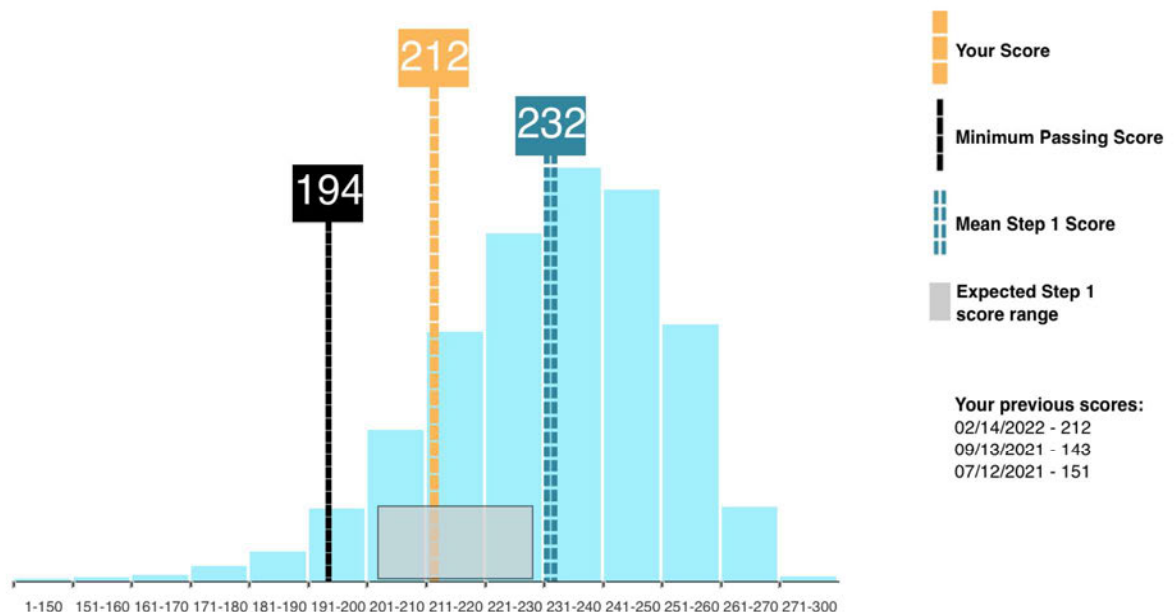## NBME® Comprehensive Basic Science Self-Assessment (CBSSA) Score Report

NAME: Kitchens, Markcus Zwanz   **TEST DATE:** 2/14/2022

Your Performance

Assessment Score: 212

Your Performance Compared to Step 1 Examinees

The chart below represents the distribution of scores for recent examinees from US and Canadian medical schools taking Step 1 for the first time. Reported Step 1 scores range from 1-300 with a mean of 232 and a standard deviation of 19.

Legend:
- **Your Score**
- **Minimum Passing Score**
- **Mean Step 1 Score**
- **Expected Step 1 score range**

Your previous scores:
02/14/2022 - 212
09/13/2021 - 143
07/12/2021 - 151

Chart values: 194, 212, 232

X-axis: 1-150 151-160 161-170 171-180 181-190 191-200 201-210 211-220 221-230 231-240 241-250 251-260 261-270 271-300

Because the Comprehensive Basic Science Self-Assessment (CBSSA) and United States Medical Licensing Examination® (USMLE®) Step 1 cover very similar content, CBSSA performance can be used in conjunction with other information to assess readiness for Step 1. Your CBSSA score represents an estimate of your performance on the USMLE Step 1 if you had taken both exams under the same conditions and with the same level of knowledge. Estimated performance based on taking CBSSA is not a guarantee of your future performance on Step 1. Many factors, including changing levels of knowledge and testing conditions, may result in a Step 1 score that is higher or lower than your estimated score.

We anticipate that your actual performance on Step 1 will fall in the range from **202-228** about two-thirds of the time. This range is based on students who took CBSSA within one week before taking Step 1.

NBME000270

Longitudinal performance is provided for exams purchased on or after March 24, 2021. The test dates listed within this score report reflect the exam's completion date.